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RUEHBJ/AMEMBASSY BEIJING 3682
RUEHKO/AMEMBASSY TOKYO 3541
RUEHIT/AMCONSUL ISTANBUL 4230
RHEHNSC/NSC WASHDC
RHMCSUU/CDR USCENTCOM MACDILL AFB FL
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHDC
RUEKJCS/JOINT STAFF WASHDC
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C O N F I D E N T I A L SECTION 01 OF 02 ASHGABAT 001599

SIPDIS

DEPT FOR SCA/CEN; DRL

E.O. 12958: DECL: 12/09/2019

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SUBJECT: URKMENISTAN: MEJLIS HUMAN RIGHTS COMMITTEE DOES
NOT MONITOR IMPLEMENTATION OF LAWS

REF: ASHGABAT 1535

Classified By: Charge d'Affaires Sylvia Reed Curran, Reasons 1.4 (b) and (d).

¶1. (C) On December 4, poloff met with the Chair of the Mejlis Human Rights Committee, Yazdursun Gurbannazarova, to discuss the committee's activities during the past year. Also attending the meeting were Chair of the International Relations Committee Batyr Berdiyev and MFA Americas Department official Hemra Amannazarov. Gurbannazarova began with a description of the Human Rights Committee, which consists of 24 deputies, eight of whom are full-time legislators and the remaining 16 who return to their districts between sessions. The committee also has three specialist staff persons, although the deputies themselves have no support staff. Gurbannazarova informed that the committee had prepared eight laws that were adopted during ¶2009. These included the new Criminal Procedure Code and laws on anti-money laundering, the Procuracy, judges, awards, the Immigration Service and weapons. To date, the committee has not received any complaints from ministries or other government agencies about the new laws. The committee is already working on additional laws in order to carry out a presidential tasking for updated legislation. These draft laws address the Customs Service, the lawyers' association, notaries, and internal affairs, as well as the administrative, residential and citizenship codexes. When asked about new laws on religion and public organizations, Gurbannazarova said they are included in the five-year plan for legislation, but she did not think they would be adopted soon.

¶2. (C) Concerning human rights issues and how they come to the attention of the committee, Gurbannazarova said other members of the Mejlis bring issues to the committee, members of the committee receive complaints, petitions and appeals from constituents, citizens come to the committee with various questions or to make a suggestion, and members of the committee participate in all events in Turkmenistan involving human rights. She mentioned that regardless of whether a person is a citizen, a foreigner, or stateless, all stand equal before the law. "The fundamental value is the individual person," she said, emphasizing this is a priority

of President Berdimuhamedov. She said that of the approximately 40 laws adopted during 2009, most deal with improving people's lives. For example, prior to the adoption of the new Criminal Procedure Code, there were contradictions between the old code and the Constitution. The new Code includes both international standards and best practices, and also distinctly Turkmen elements that make it suitable for the country. Gurbannazarova also mentioned new laws that require more annual vacation for workers and extended maternity leave that can be used by any caregiver, not only mothers.

¶3. (C) Concerning the role of monitoring implementation of legislation, Gurbannazarova was quite clear that the committee did not have the authority to interfere in the work of ministries and other state agencies. The members of the committee, particularly those residing most of the time in their districts, study the implementation of their laws and make recommendations about how the laws might be revised or amended in order to work better. Such recommendations would then be considered when the Mejlis was in session. Gurbannazarova said the Office of the General Procurator was responsible for general oversight of implementation and enforcement of laws.

¶4. (C) When asked about the Turkmen government's implementation of the 2007 Law on the State Guarantee of Equal Rights of Women, Gurbannazarova explained that the law was a codification of international conventions on women's rights to which Turkmenistan was a party. In her view, all Turkmen laws include an element of gender equality. The 2007

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law on women's rights was passed to guarantee equal participation of women in all branches of government and society, strengthening and confirming the norms contained in other laws. Gurbannazarova stated that official discrimination against women does not exist, only restrictions prohibiting them from engaging in heavy or dangerous labor. She noted that the provisions of the law have been implemented, citing as examples that 20 percent of the members of the Mejlis are women, including the Chairperson, and that women are well represented in the government, scientific, health and education sectors.

¶5. (C) COMMENT: Despite Gurbannazarova's description of a committee actively engaged in drafting legislation, it seems clear that the tasks of initiating and drafting new laws are done by governmental, interagency working groups, according to the priorities of the president. Even full-time committee members lack the staff support and experience necessary to create legislation from scratch. END COMMENT.
CURRAN